

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

RICHARD PRESTON BLACKWELL,

Case No. 23-CV-1865 (JRT/JFD)

Plaintiff,

v.

ORDER

SOCIAL SECURITY; CENTERA;
CITY OF SAINT PAUL; JIM COUNTS;
JEFF RISIOLLO; OFFICER HOLTE;
M. HERMANN; and DOE(S),

Defendants.

Pro se Plaintiff Richard Preston Blackwell requests that the Court waive his current and future fees for accessing court records using the Public Access to Court Electronic Records (PACER) database. (“Exemption Order for Pacer Fees,” Dkt. No. 64.) In support of his request, Mr. Blackwell states that he has been granted permission to proceed in forma pauperis in this action, and that he “will need future access to various court opinions,” and will need to review docket reports and print documents as his case proceeds. (*Id.*) Mr. Blackwell provides no authority¹ in support of his request. (*See id.*)

PACER charges user fees to cover the costs of maintaining the service. *Walker v. Shafer*, No. 16-CV-5121 (JLV), 2018 WL 813420, at *3 (D.S.D. Feb. 9, 2018); *Frequently*

¹ 28 U.S.C. § 1920 does not authorize courts to tax PACER expenses as costs. *Liquid Cap. Exch., Inc. v. BDC Grp., Inc.*, No. 20-CV-89 (CJW/MAR), 2022 WL 15045058, at *12 (N.D. Iowa Oct. 26, 2022), *appeal dismissed*, No. 22-3239, 2023 WL 3091630 (8th Cir. Jan. 23, 2023); *Nat'l Green Gas, LLC v. Estrategy, Inc.*, No. 4:18-CV-00285 (BCW), 2020 WL 13526516, at *1 (W.D. Mo. Feb. 20, 2020).

Asked Questions, PACER, <https://pacer.uscourts.gov/help/faqs/pricing#:~:text=search%20for%20me%3F-,Yes.,charged%20for%20any%20document%20applies> (last visited Jan. 15, 2024). Parties (including pro se plaintiffs like Mr. Blackwell) get one “free look” at documents electronically filed and served in their own case. *Rabin v. U.S. Dep’t of Health & Hum. Servs.*, No. 23-CV-00402 (JMA/SIL), 2023 WL 5321969, at *1 (E.D.N.Y. Mar. 10, 2023); *Electronic Public Access Fee Schedule*, U.S. Courts, <https://www.uscourts.gov/services-forms/fees/electronic-public-access-fee-schedule> (last visited January 15, 2024) (listing fees and automatic exemptions). After the “free look,” PACER charges a fee, but PACER fees are waived for any user who spends less than \$30 in a fiscal quarter. *Rabin*, 2023 WL 5321969, at *1. All court opinions are free. *Id.*

Courts may relieve a person from paying the PACER charges if they find they “have demonstrated that an exemption is necessary in order to avoid unreasonable burdens and to promote public access to information[.]” *Electronic Public Access Fee Schedule, supra* (“[E]xemptions should be granted as the exception, not the rule.”); *Walker*, 2018 WL 813420, at *3. But Mr. Blackwell has not explained why an exemption is necessary in this case. Mr. Blackwell does not allege that he has failed to receive notice of filings. He has successfully filed several documents on this Court’s docket—including a response to a motion for judgment on the pleadings and a response to a motion to dismiss—suggesting that he can continue to litigate this case without a waiver. *See Hunter v. Bradford*, No. 4:14-CV-00613-KGB, 2014 WL 12691604, at *3 (E.D. Ark. Dec. 10, 2014) (finding no waiver necessary when pro se plaintiff did not allege that she lacked access to filings and

had successfully submitted documents to the court); *Lindsay v. Preuss*, No. 21-CV-11006 (PAE/KHP), 2023 WL 3998056, at *7 (S.D.N.Y. Apr. 25, 2023) (recommending a finding of no error when bankruptcy judge refused to provide an exemption to party who did not “show why the standard PACER fee exemptions were insufficient.”), *R&R adopted*, 2023 WL 3996865 (S.D.N.Y. June 14, 2023). In addition, the phrasing of Mr. Blackwell’s request, particularly his notation that he will require access to court opinions, suggests he was not familiar with the several exemptions that are already part of the CM/ECF fee structure – such as the exemption for court opinions, access to which is always free. Mr. Blackwell’s request is respectfully denied.

IT IS HEREBY ORDERED THAT Mr. Blackwell’s request for a waiver of his current and future PACER fees is (Dkt. No. 64) is **DENIED**.

Date: January 16, 2024

s/ John F. Docherty
JOHN F. DOCHERTY
United States Magistrate Judge